

May 1, 2018

VIA UPS and Electronic Mail

Allen Park  
ACH Group, LLC d/b/a Candy Co-Eliquids  
14946 Shoemaker Ave Ste A  
Santa Fe Springs, CA 90670  
[candycoeliquids@gmail.com](mailto:candycoeliquids@gmail.com)  
[sales@candycoeliquids.com](mailto:sales@candycoeliquids.com)

### WARNING LETTER

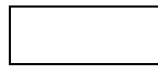
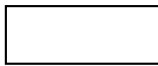
Dear Allen Park:

This is to advise you that the Center for Tobacco Products of the U.S. Food and Drug Administration (FDA) and the U.S. Federal Trade Commission (FTC) recently reviewed the website <http://www.candycoeliquids.com> from which you take orders for Patches by Candy Co. e-liquid. FDA has determined that the liquid products listed there are manufactured and offered for sale or distribution to customers in the United States. Under section 201(rr) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. § 321(rr)), as amended by the Family Smoking Prevention and Tobacco Control Act, these products are tobacco products because they are made or derived from tobacco and intended for human consumption. Certain tobacco products, including liquids, are subject to FDA jurisdiction under section 901(b) of the FD&C Act (21 U.S.C. § 387a(b)). In addition, the FTC has reviewed your marketing of Patches by Candy Co. e-liquid under Section 5 of the FTC Act, 15 U.S.C. § 45(a).

#### FD&C Act Misbranding Violation

FDA has determined that your Patches by Candy Co. e-liquid is misbranded under section 903(a)(1) of the FD&C Act (21 U.S.C. § 387c(a)(1)) and/or section 903(a)(7)(A) of the FD&C Act (21 U.S.C. § 387c(a)(7)(A)) because its labeling and/or advertising is false or misleading.

FDA's investigation of the website <http://www.candycoeliquids.com> revealed it sells or distributes Patches by Candy Co. e-liquid with labeling and/or advertising that causes it to imitate food products, particularly ones that are marketed toward, or appealing to, children (see Exhibit A). Specifically, the labeling and/or advertising of the product looks very similar to candy that is primarily marketed toward, or appealing to, children, such as Sour Patch Kids or other candies that are coated in sugar and/or are in the shape of bottles (see Exhibit B). For example, the labeling and/or advertising for Patches by Candy Co. e-liquid includes the terms "Candy" and "Patches," as well as images of yellow, red, green, orange, and blue bottles coated in a sugarlike substance prominently placed on the front of the packaging. These same bottles also appear to be emerging from the top of the packaging, as if to indicate that these sugar coated, brightly colored items are inside. Additionally, the labeling and/or advertising contains a label on the back that is substantially similar to a food Nutrition Facts label. Further, your website describes the product as "[a]n utterly delicious, sour coated, sweet centered jelly candy." This labeling and/or advertising causes the product to imitate candy, particularly one





reasoning and any supporting information through links to the FDA information page at <http://www.fda.gov>.

Please refer to the following address:

Office of Compliance and Enforcement  
FDA Center for Tobacco Products  
c/o Director  
Building 71, Room G335  
10903 New Hampshire Ave  
Silver Spring, MD 20910

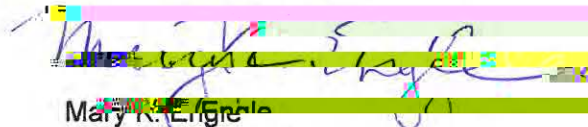
If you have any questions, please contact Ibarra-Pratt at (301) 796-9235 or via email at [CTPCCompliance@fda.hhs.gov](mailto:CTPCCompliance@fda.hhs.gov)

With regard to the FTC related actions described above, please notify the FTC via electronic filing.

Sincerely,



Ann Simonson, D.D.  
Director  
Office of Compliance  
Center for Tobacco Products



Mary R. Engle  
Associate Director  
Division of Advertising and Promotion  
Federal Trade Commission

VIA UPS

cc:

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Norwalk, CA 90650

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